

LENNON, MURPHY & LENNON LLC
Attorneys for Defendant
SCAN TRANS CHARTERING KS
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DALMINE SPA, : 07-CIV-3861 (BSJ)
Plaintiff, : **VERIFIED ANSWER**
- against - :

SCAN TRANS CHARTERING K/S, :
Defendant. :
-----X

Defendant, **SCAN TRANS CHARTERING K/S**, by and through its undersigned counsel, **LENNON, MURPHY & LENNON, LLC**, answering the Complaint propounded by Plaintiff, **DALMINE SPA** dated May , 2006 respectfully shows to the Court and alleges upon information and belief as follows:

1. Denied.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Second Paragraph of the Complaint.
3. Admits that Defendant was a foreign business entity knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Third Paragraph of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Fourth Paragraph of the Complaint.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Fifth Paragraph of the Complaint.

6. Denied.

7. Denied.

8. Denied.

9. Admits that on or about November 21, 2006 Plaintiff demanded arbitration against Defendant in New York allegedly pursuant to a charter party between Defendant and non-party Siederca SAIC and, except as so specifically admitted, denies the propriety of such arbitration demand in all respects.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Tenth Paragraph of the Complaint.

AFFIRMATIVE DEFENSES

11. Plaintiff's Complaint fails to state a maritime cause of action for which relief can be granted pursuant to Supplemental Rule B and thus the Complaint should be dismissed.

SECOND AFFIRMATIVE DEFENSE

12. Plaintiff is not the real party in interest and its Complaint should therefore be dismissed.

THIRD AFFIRMATIVE DEFENSE

13. This Court lacks personal jurisdiction over Defendant.

FOURTH AFFIRMATIVE DEFENSE

14. This action should be dismissed on the grounds of improper venue.

FIFTH AFFIRMATIVE DEFENSE

15. This action should be dismissed on the grounds of *forum non conveniens*.

SIXTH AFFIRMATIVE DEFENSE

16. Improper and insufficient service of process on this answering Defendant.

SEVENTH AFFIRMATIVE DEFENSE

17. Failure to properly comply with Local Admiralty Rule B.2 as pertains to notice that should have been promptly provided to Defendant once property had been attached pursuant to Plaintiff's service of the Process of Maritime Attachment and Garnishment.

EIGHTH AFFIRMATIVE DEFENSE

18. Plaintiff has failed to properly mitigate its damages.

NINTH AFFIRMATIVE DEFENSE

19. The action must be stayed pending a determination whether the Plaintiff has a right to compel Defendant to arbitration in respect of the Plaintiff's alleged claim(s) against the Defendant.


WHEREFORE, Defendant, **SCAN TRANS CHARTERING KS** respectfully requests judgment as follows:

- A. Dismissing the Complaint against it and awarding it the costs and disbursements of this action, including reasonable attorneys' fees which it incurs in defending this claim; and
- B. For such other, further and different relief as this Court may deem just and proper.

Dated: June 11, 2007
New York, NY

LENNON, MURPHY & LENNON, LLC
Attorneys for Defendant
SCAN TRANS CHARTERING KS

By:



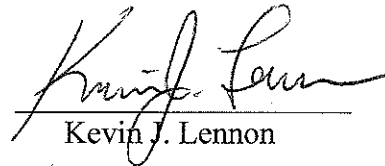
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TO: Casey & Barnett, LLC
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Attn: Martin F. Casey, Esq.

AFFIRMATION OF SERVICE

I hereby certify that on June 11, 2007, a copy of the foregoing **VERIFIED ANSWER** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.


Kevin J. Lennon